

PABLO CIRIACO BACA.

FEBRUARY 14, 1910.—Ordered to be printed.

Mr. MILLINGTON, from the Committee on Claims, submitted the following

ADVERSE REPORT.

[To accompany H. R. 6339.]

The Committee on Claims, to whom was referred the bill (H. R. 6339) for the relief of Pablo Ciriaco Baca for the loss of property by the Indians, having considered the same, report thereon with a recommendation that it do not pass.

The purpose of this bill is to refer the claim to the Court of Claims and give it jurisdiction to investigate and try said claim under the provision of the Tucker Act, approved March 3, 1887, irrespective of the Indian depredation act of March 3, 1891.

Upon careful consideration the committee finds that these claims are barred by reason of the fact that they were not presented within apt time under statutes providing for the payment of such claims out of the funds of the Indian tribes or under the act of March 3, 1891.

The committee also finds that when a similar case was referred to the Court of Claims it was held that the court had no jurisdiction under the Indian depredation act and dismissed the case, and also because the evidence was not sufficient to establish the facts. (See *Vincent v. The United States*, 39 Ct. Cls. R., 456.)

Appended hereto is a letter from the Department of the Interior, which is made a part of this report.

DEPARTMENT OF THE INTERIOR,
Washington, February 8, 1910.

SIR: I have the honor to acknowledge receipt of your memorandum of January 22, 1910, transmitting for consideration and report a copy of H. R. 6339, for the relief of Pablo Ciriaco Baca, appropriating the sum of \$850 to pay Pablo Ciriaco Baca for property alleged to have been destroyed by Indian depredations, "lapse of time to the contrary notwithstanding, thereby giving the Court of Claims jurisdiction."

An examination of the record of depredation claims in the Indian Office fails to disclose that a claim was ever filed by Pablo Ciriaco Baca.

The index of depredation claims pending in the Court of Claims shows the claim of Pablo Baca under No. 8471.

The department is not advised whether the latter is identical with the claim referred to in the bill. If it is, there seems to be no need for additional legislation, as the Court of Claims now has jurisdiction. If it is not the same, the department does not believe that the claimant is entitled to relief on account of delay in filing the claim, as more specifically set forth in departmental letter reporting on H. R. 14942.

Very respectfully,

R. A. BALLINGER, *Secretary.*

HON. GEORGE W. PRINCE,

Chairman Committee on Claims, House of Representatives.

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